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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**23 April 2015**

**IV-14-0063**

**Misuse of Government Resources**

**WARNING: THIS REPORT MAY CONTAIN GRAPHIC IMAGES  
AND/OR LANGUAGE**

(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.

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Approved for Release by NSA on 07-31-2019, FOIA Case # 85643 (litigation)

Release: 2019-07  
NSA:08948

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~**(U) OFFICE OF THE INSPECTOR GENERAL**

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

**(U) AUDITS**

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

**(U) INVESTIGATIONS**

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

**(U) INTELLIGENCE OVERSIGHT**

(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

**(U) FIELD INSPECTIONS**

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

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I. (U) SUMMARY

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(U//~~FOUO~~) On 19 March 2014, during a subject interview involving misuse of Government resources (IV-14-0061), [redacted] an NSA/CSS affiliate, was identified as the individual to whom the subject of that case was sending sexually explicit emails. On 2 April 2014, the Office of the Inspector (OIG) initiated an investigation of [redacted] use of the unclassified NSA/CSS Information System (IS).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation supports the conclusion that, from 6 June 2013 through 14 March 2014, [redacted] accessed the unclassified NSA/CSS IS on numerous occasions to send sexually explicit email communications to an NSA affiliate using his personal email account. [redacted] [redacted] use of the unclassified IS to transmit sexually explicit emails did not serve a legitimate public interest, reflected adversely on the DoD and NSA, and displayed a lack of good judgment and common sense; violations of both the DoD Joint Ethics Regulation (JER) 5500.7-R and NSA/CSS Policy 6-6.

(b) (6)

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations and Special Actions, ADS&CI for review and any action deemed appropriate.

## II. (U) INTRODUCTION

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### (U) Background

(U//FOUO) [redacted] is an NSA/CSS civilian employee (GG-12) currently assigned to the [redacted]. At the time of the alleged misuse, [redacted] was assigned to the [redacted].

(U//FOUO) In response to a lead developed in a related case (IV-14-0061), the OIG requested that the NSA/CSS Information Systems Incident Response Team (NISIRT) review [redacted] activity on his unclassified U.S. Government account. An analysis of [redacted] activity determined that [redacted] used his unclassified NSA/CSS IS account to send sexually explicit emails to the subject of IV-14-0061, another agency employee assigned to [redacted]. The NISIRT provided the corresponding activity report to the OIG on 19 March 2014, detailing [redacted] activity.

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### (U) Applicable Authorities

(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301(a): Use of Federal Government Resources.

(U) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 20 June 2012.<sup>1</sup>

(U) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 15 October 2013.<sup>2</sup>

(U) See Appendix A for the full text of the applicable authorities.

<sup>1</sup> For IS misuse identified prior to 15 October 2013;

<sup>2</sup> For IS misuse identified from 15 October 2013 - 14 March 2014;

### III. (U) FINDINGS

(U//~~FOUO~~) **ALLEGATION:** Did [redacted] misuse his unclassified NSA/CSS IS in violation of the DoD JER 5500.7-R, Subpart 2-301(a) and NSA/CSS Policy 6-6?

(U//~~FOUO~~) **CONCLUSION:** *Substantiated.* The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS to send sexually explicit emails using his personal email account on numerous occasions from 6 June 2013 until 14 March 2014, in violation of both the DoD JER 5500.7-R and NSA/CSS Policy 6-6.

#### (U) Documentary Evidence

##### (U) NISIRT Reports

(U//~~FOUO~~) The NISIRT provided the OIG with a sample of [redacted] activities on the unclassified NSA/CSS IS from 6 June 2013 through 14 March 2014. [redacted] was observed using Government resources to send sexually explicit emails from his personal email account. The NISIRT report can be found at Appendix B.

#### (U) Testimonial Evidence

[redacted]  
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(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) On 20 March 2014, [redacted] was interviewed and provided the following sworn testimony.

(U) [redacted] admitted to typing and sending sexually explicit emails from a personal email account to another agency employee using the unclassified IS, describing it as "stupid" and "a mistake that I regret." He began corresponding with her sometime last year. [redacted] denied a physical relationship with the other agency employee. Throughout the interview, [redacted] stated they were only co-workers and friends. [redacted] testified that the conversations were just talk and he denied having been sexually aroused or having had sexual contact with [redacted]

[redacted]

[redacted]  
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**(U) Analysis and Conclusions**

(U//~~FOUO~~) The DoD JER 5500.7-R, Subpart 2-301(a) limits the use of Federal Government communication systems and equipment to “official use and authorized purposes only.” The DoD JER 5500.7-R, Subpart 2-301(a)(1) and 2-301(a)(2), respectively, define “official use” and “authorized purposes” as: “emergency communications and communications that the DoD component determines are necessary in the interest of the Federal Government;” and, “brief communications made by DoD employees . . . includ[ing] personal communications from the DoD employee’s usual work place that are most reasonably made while at the work place . . . when . . . such communications [s]erve a legitimate public interest (JER 5500.7-R, Subpart 2-301(a)(2)(c)), and [d]o not put Federal government communications systems to uses that would reflect adversely on DoD or the DoD Component (JER 5500.7-R, Subpart 2-301(a)(2)(d)). Further, NSA/CSS Policy 6-6, paragraph 25(n) requires that all users of NSA/CSS unclassified ISs “[u]se good judgment and common sense when accessing and/or communicating on unclassified [NSA/CSS] ISs.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] used his unclassified NSA/CSS IS to send sexually explicit emails via his personal email account, regularly, from June 2013 until March 2014. Such activity did not serve a legitimate public interest and reflected adversely on both the DoD and the NSA/CSS. The evidence, as well as [redacted] admission to engaging in such activity on the unclassified NSA/CSS IS, substantiates a violation of the JER. Such activity is clearly inconsistent with the JER’s description of an “official use” of Federal Government communications systems as sexually explicit email conversations cannot be considered emergency communications and/or communications that have been determined to be necessary in the interest of the Federal Government. Further, utilizing a Federal Government communications system to engage in sexually explicit email conversations cannot reasonably be considered an “authorized purpose” as defined by the JER. Specifically, an “authorized purpose” includes personal communications from the employee’s usual work place that are most reasonably made while at the work place. Though sexually explicit emails undoubtedly qualify as “personal communications”, it is logical to determine that such communications are not most reasonably made while at the work place. Additionally, sending sexually explicit email conversations on the unclassified NSA/CSS IS served no legitimate public interest and reflected adversely on the NSA/CSS and the DoD.

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(U//~~FOUO~~) Finally, [redacted] as an authorized user of the NSA/CSS unclassified IS, is subject to the provisions of NSA/CSS Policy 6-6. As such, he was required to adhere to certain responsibilities identified for authorized users who access and/or communicate on the unclassified NSA/CSS IS. Specifically, while accessing and/or communicating on the unclassified NSA/CSS IS, [redacted] was required to “use good judgment and common sense”. As stated above, [redacted] admitted that he sent sexually explicit email communications on the unclassified NSA/CSS IS to [redacted] via his personal email account from 6 June 2013 through 14 March 2014. Such behavior demonstrates a lack of good judgment and common sense in clear violation of NSA/CSS Policy 6-6, paragraph 25(n).

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**IV. (U) RESPONSE TO TENTATIVE CONCLUSION**

(U//~~FOUO~~) [redacted] was provided the tentative conclusion on 3 April 2015. [redacted] responded to the tentative conclusion stating:

“I have had plenty of time to think about the situation and fully understand my actions were wrong. I understand it is a privilege to use the open net and not a right and do not plan [to] misuse it ever again. I regret my poor decision while using the open net.”

(U//~~FOUO~~) The conclusion of this investigation remains unchanged.

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## V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that, from 6 June 2013 through 14 March 2014, [redacted] accessed the unclassified NSA/CSS IS on numerous occasions to send sexually explicit email communications to [redacted] using his personal email account. His actions violated the DoD JER 5500.7-R, Subpart 2-301(a) and NSA/CSS Policy 6-6.

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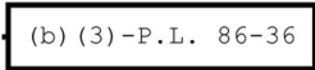
**VI. (U) DISTRIBUTION OF RESULTS**

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations and Special Actions, ADS&CI for review and any action deemed appropriate.

Concurred by:

  
Investigator

  
Deputy Assistant Inspector General  
For Investigations

  
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**APPENDIX A**

**(U) Applicable Authorities**

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**(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R: Subpart 2-301: Use of Federal Government Resources.**

a. Communication Systems. Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.

(1) Official use includes emergency communications and communications that the DoD Component determines are necessary in the interest of the Federal Government. Official use may include, when approved by theater commanders in the interest of morale and welfare, communications by military members and other DoD employees who are deployed for extended periods away from home on official DoD business.

(2) Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; e-mailing directions to visiting relatives) when the Agency Designee permits categories of communications, determining that such communications:

(a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;

(c) Serve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);

(d) Do not put Federal Government communications systems to uses that would reflect adversely on DoD or the DoD Component (such as uses involving pornography; chain letters; unofficial advertising, soliciting or selling except on authorized bulletin boards established for such use; violations of statute or regulation; inappropriately handled classified information; and other uses that are incompatible with public service); ...

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....

~~(U//FOUO)~~ NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 20 June 2012 and 15 October 2013:

25. (U) All Users shall:

...

n. (U) Use good judgment and common sense when accessing and/or communicating on unclassified ISs;

....

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**APPENDIX B**

**(U) NISIRT Report**

~~(U//FOUO)~~ [redacted] Activity – 6 June 2013 through 14 March 2014

⋮

[redacted]  
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The NISIRT Report

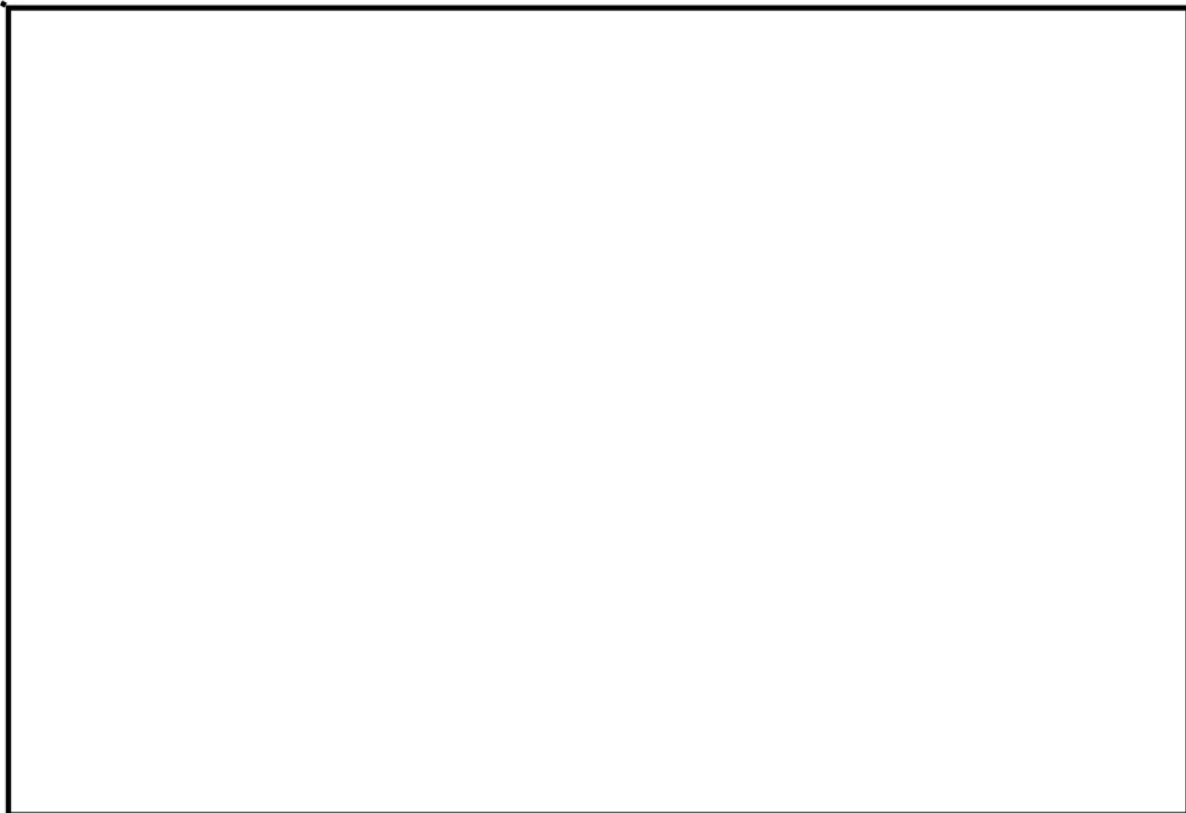
The sexually explicit content typed by [redacted] appears below. Edits were made for readability purposes.

06/06/2013: 15:48:37 - 16:08:35



(b) (6)

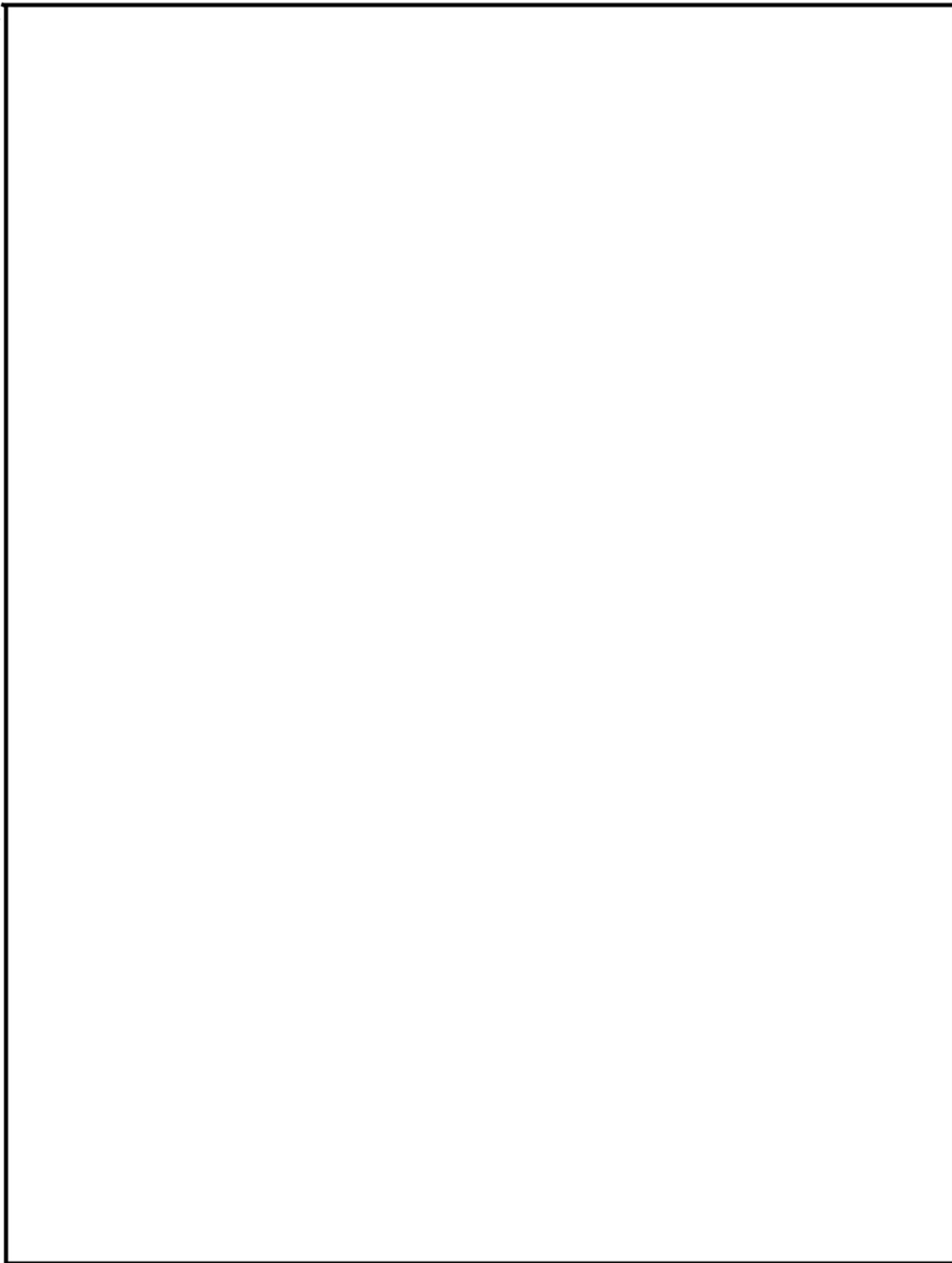
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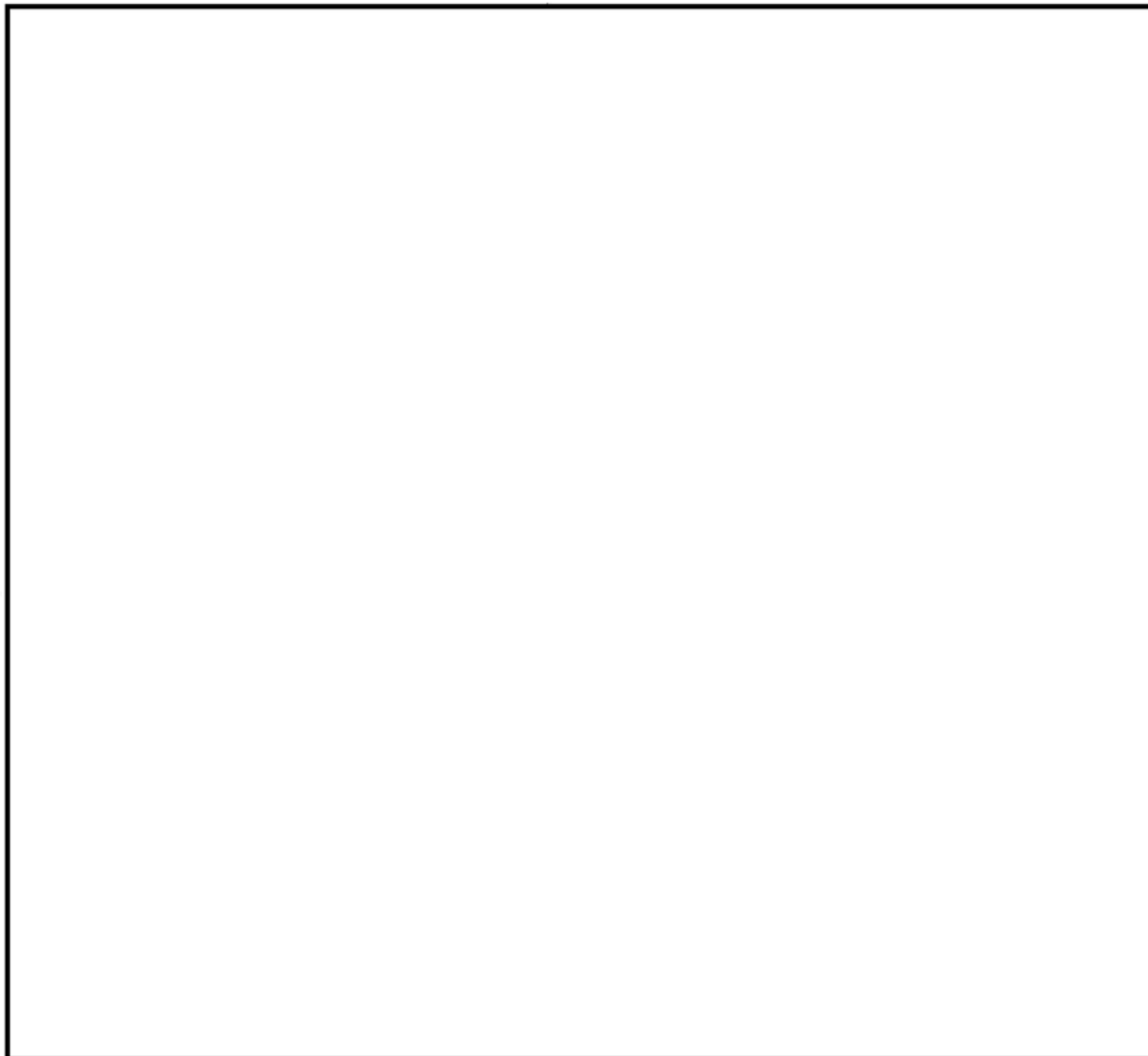
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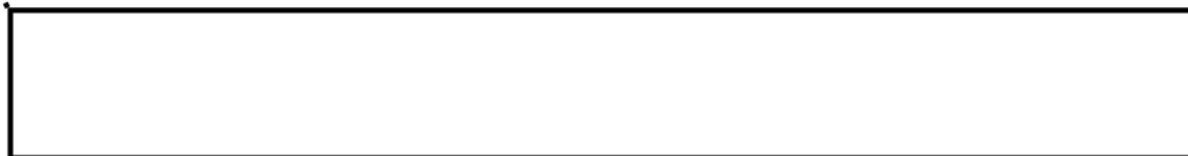


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(b) (6)



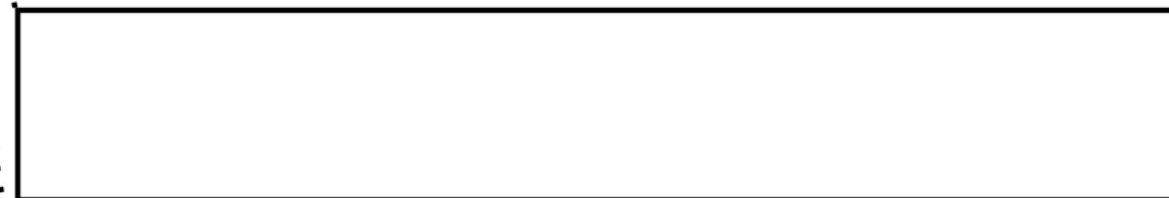
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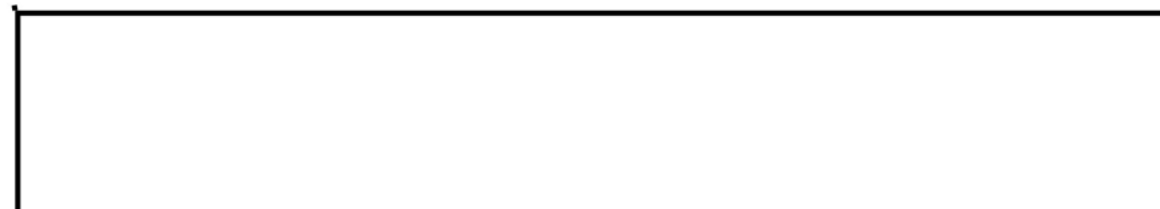
06/13/2013: 08:15:22 - 08:38:40



06/17/2013: 09:21:13



06/18/2013: 11:49:18 - 17:03:31



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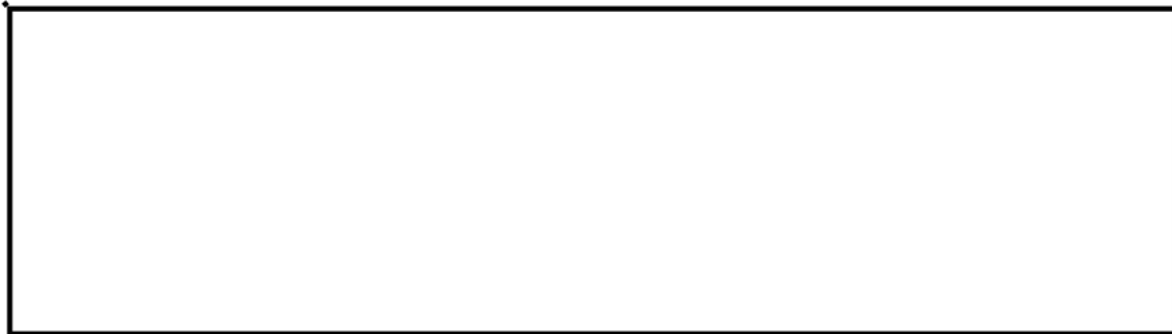


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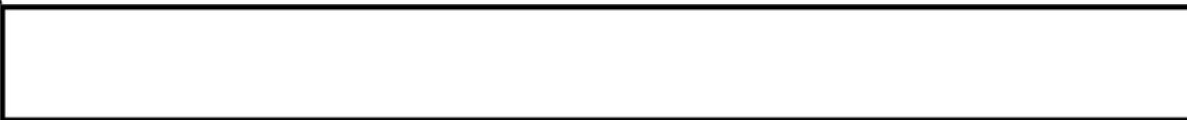
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06/21/2013: 14:30:41



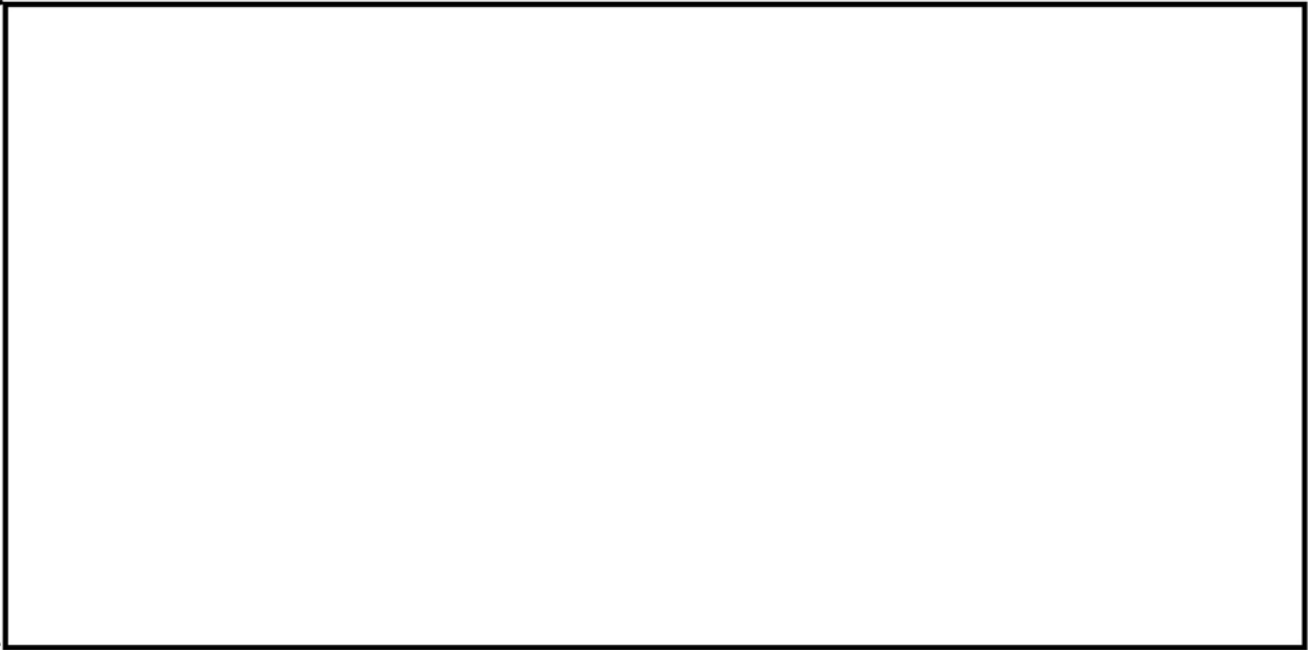
06/24/2013: 11:45:46 - 14:51:54





06/26/2013: 13:16:44 - 15:55:58

(b) (6)



06/27/2013: 09:57:07 - 16:12:06



07/01/2013: 15:31:17 - 15:46:30



[Redacted]

07/03/2013: 08:17:52 - 14:16:22

[Redacted]

(b) (6)

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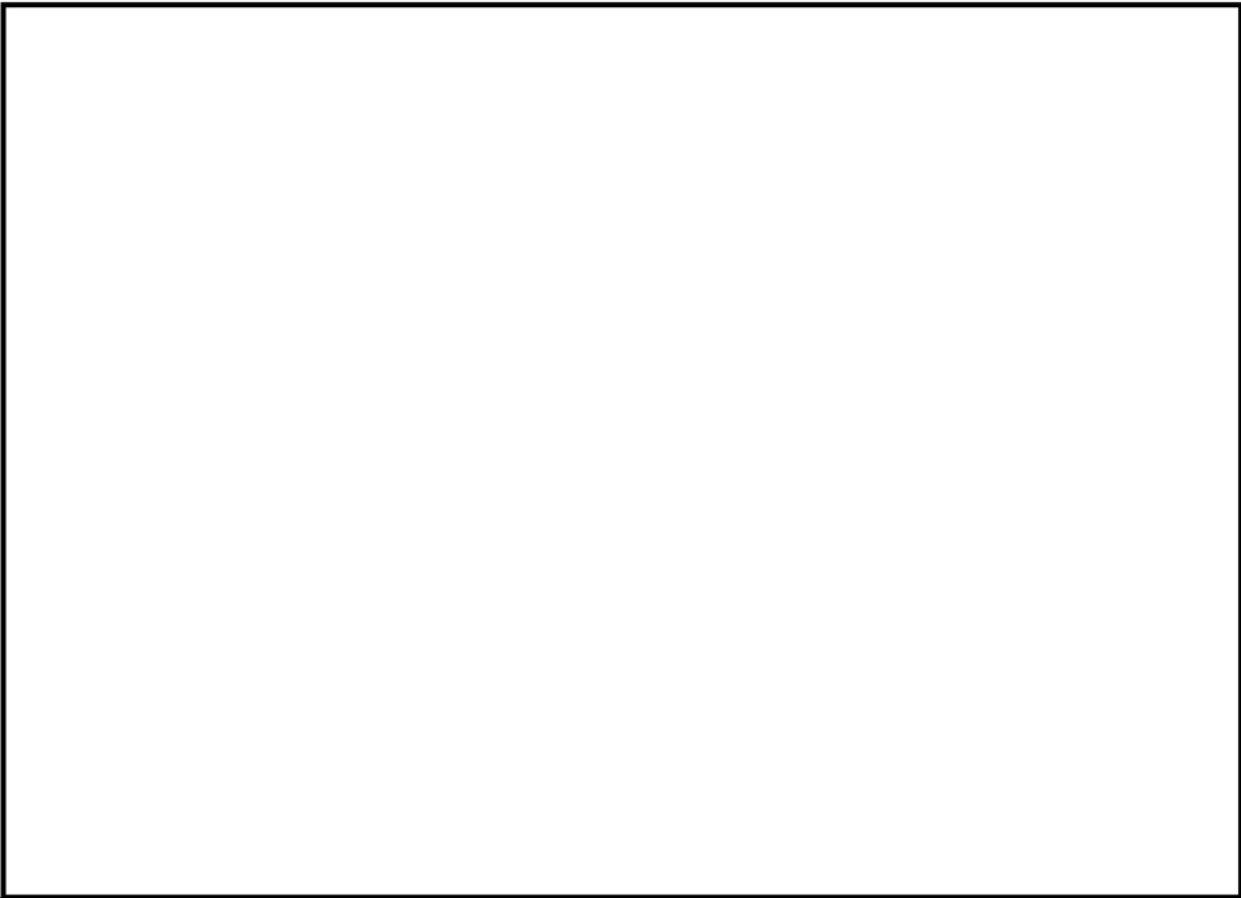
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[Redacted]

11/04/2013: 10:30:34 - 16:07:26

[Redacted]



(b) (6)

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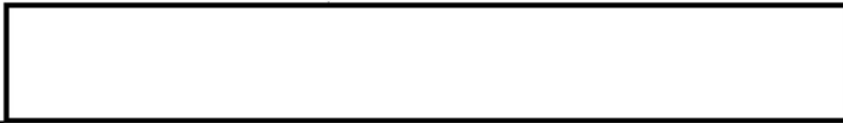


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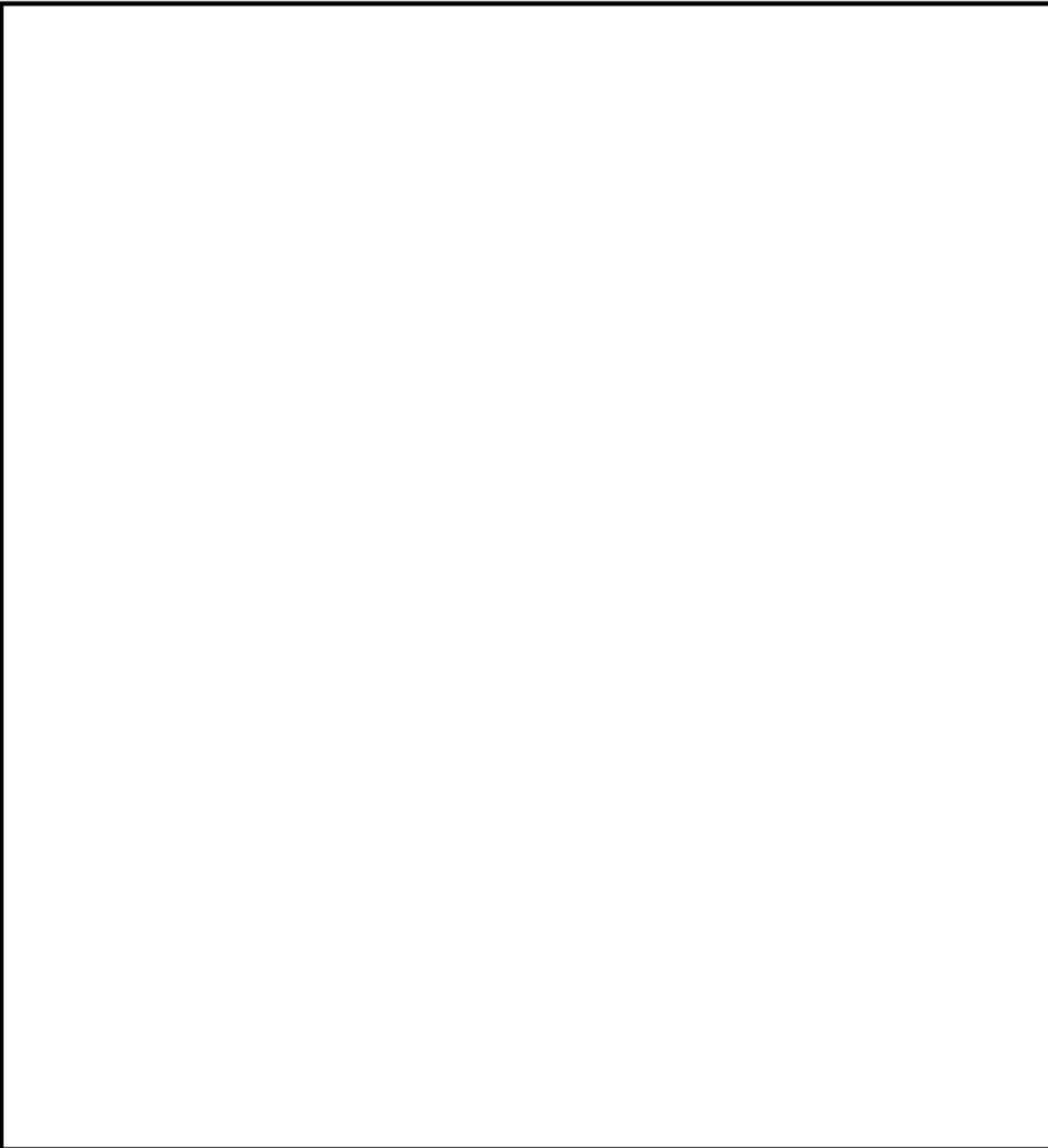
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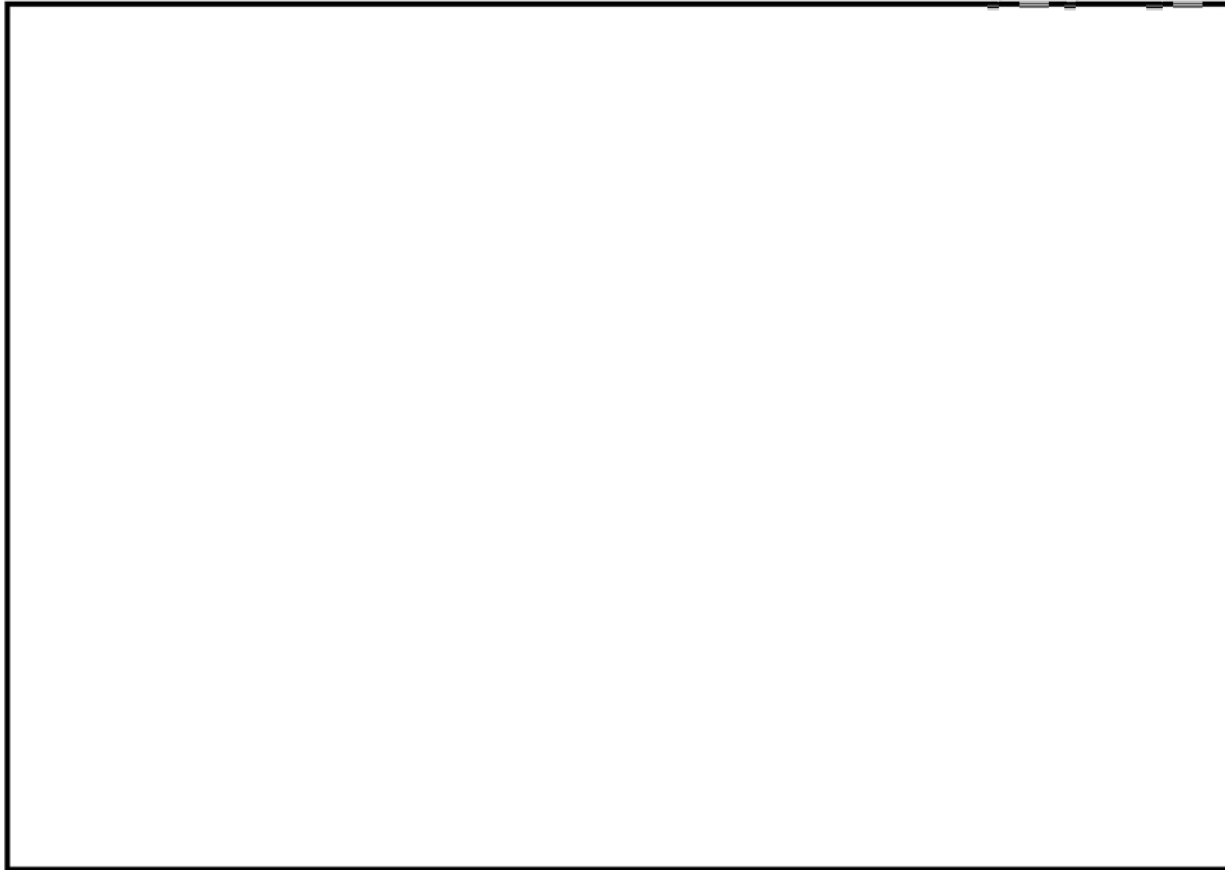


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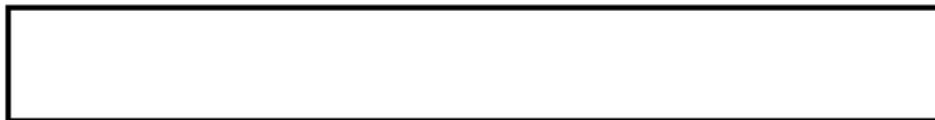


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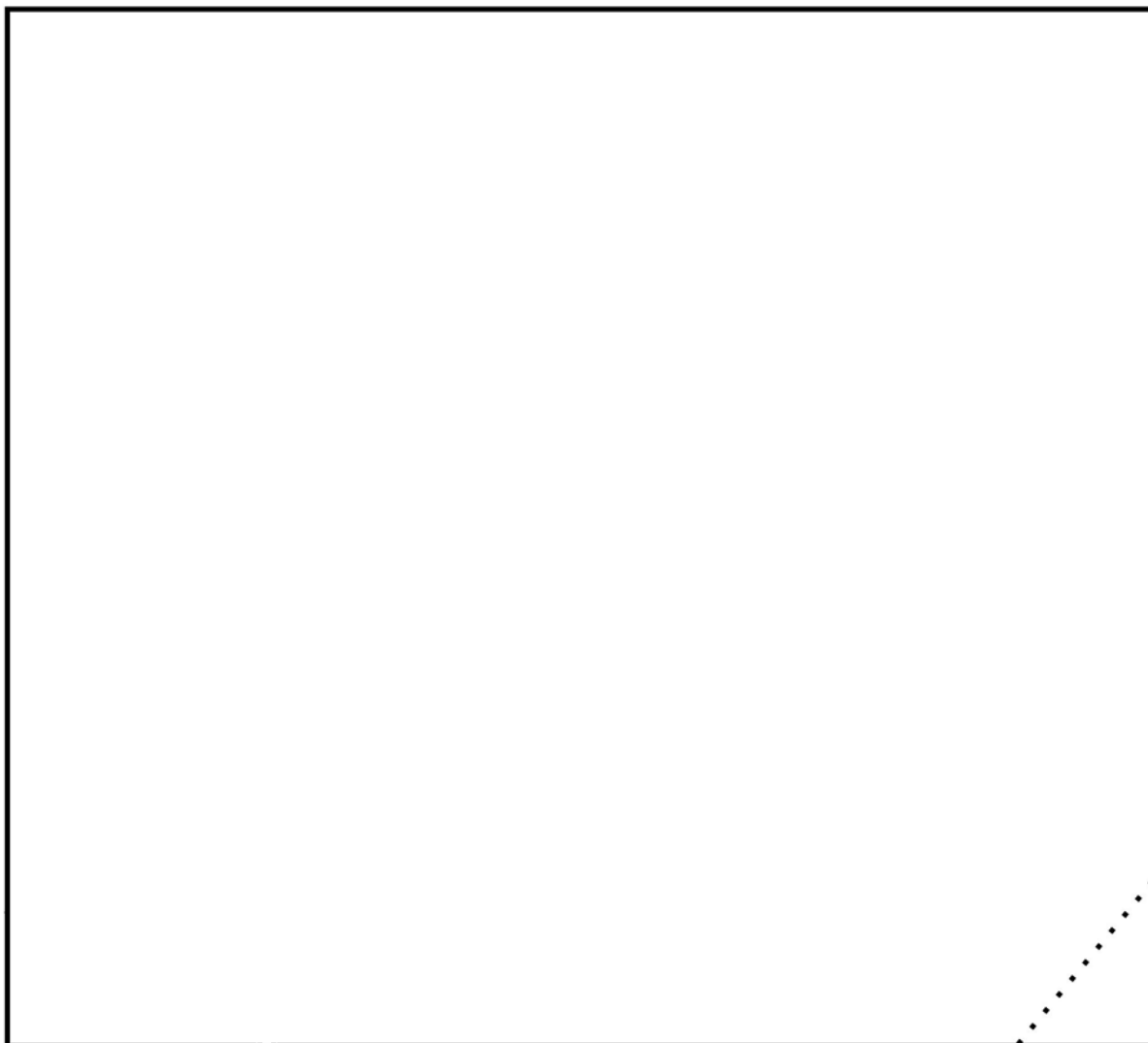
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